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	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
	10/074,564	02/11/2002	Michael A. Todd	ASMEX.333A	6555	
	20995	20995 7590 06/15/2004		EXAMINER		
	KNOBBE MARTENS OLSON & BEAR LLP			KEBEDE, BROOK		
	2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614		ART UNIT	PAPER NUMBER		
			2823			
			DATE MAILED: 06/15/2004			

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Elementary of the many by a enable under the provincious of 3°CPR 1.136(s). In no event, however, may a noty) be timely filed  Elementary of time angly be are interested under the provincious of 3°CPR 1.136(s). In no event, however, may a noty) be timely filed  If the period for reply specified above is less than thirty (30 days, a noty) within the statutory minimum of thirty (30) adays, at noty within the set or extended period for reply will, by statutor, provided in the period for reply will, by statutor, and statutory minimum or thirty (30) adays, as noty within the set or extended period for reply will, by statute, cause the application to become sharhooveto (35 U.S.C. § 135).  Feature or payl within the set or extended period for reply will, by statute, cause the application to become sharhooveto (35 U.S.C. § 135).  Responsive to communication(s) filed on QT April 2004.  2a) [] This action is FINAL. 2b) [] This action is non-final.  3) [] Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) [] Claim(s) 1-50 and 55-80 is/are pending in the application.  4a) Of the above claim(s) 47-50 is/are withdrawn from consideration.  5b] Claim(s)is/are allowed.  6) [] Claim(s)is/are allowed.  6) [] Claim(s)is/are sallowed.  7) [] Claim(s)is/are sollowed.  8) [] Claim(s)is/are sollowed.  8) [] The specification is objected to by the Examiner.  Application Papers  9) [] The specification is objected to by the Examiner.  10) [] The drawing(s) filed on is/are: a) [] accepted or b) [] objected to by the Examiner.  Application Papers  9) [] The Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) [] All b) [] Some * O]   None of: [] None of: [] None of the priority documents		Applicati n No.	Applicant(s)					
Brook   Kebede   2823	Office Action Summers	10/074,564	TODD ET AL.					
- The MALING DATE of this communication appears on the cover sheet with the corresp indence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  Extension of time may be available under the provisions of \$1 CPR 1.35(a). In so event, however, may a reply be limity filed in the period for reply appelled allows is lasts than string (30) days, and provide the period for reply appelled allows is lasts than string (30) days, and provide the period for reply appelled allows is lasts than string (30) days, and the considered filed.  If the period for reply appelled allows is lasts than string (30) days, and application to his communication of this (30) days will be considered filed.  If the period for reply appelled allows is lasts than string (30) days, and application.  Provided the period of the period o	Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ± MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - and rest of the problem of the communication of the communication of the problem of the problem of the problem of the communication of the problem of the problem of the communication of the problem of the communication of the problem of the problem of the communication of the problem of t		l .						
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of term rapy be without under the proxision of 3 CFR 1.13(6). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this commencation.  It is not to reply it specified under the proxision of 3 CFR 1.13(6). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this commencation.  If NO period for reply is specified above, the maximum statutory priod with line that the mailing date of this communication.  Fallure to reply within the set of extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any rapy increased by the official erim than these moints and the mailing date of this communication, even if timely filed, may reduce any example placed term aliquitiment. See 37 CFR 1.74(6).  Status  1) Responsive to communication(s) filed on <u>07 April 2004.</u> 2a) This action is FINAL.  2b) This action is FINAL.  2c) This action is FINAL.  2c) This action is filed to replace any example and the process of the provided placed and accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-50 and 55-80 is/are pending in the application.  4a) Of the above claim(s) 12-50 is/are pending in the application.  4a) Of the above claim(s) 12-50 is/are pending in the application.  5) Claim(s) is/are allowed.  5) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  8) Claim(s) 1-46 and 55-80 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  10) And by Some *c) None of:  11 Certified copies of the priority documents have been re	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orresp ndence address					
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Art Unit: 2823

## **DETAILED ACTION**

## Election/Restrictions

- 1. Applicant's election without traverse of Species I in the reply filed on April 7, 2004 is acknowledged. However, the restriction requirement that was mailed on March 10, 2004 is withdrawn because of the existence of the fourth embodiment. Accordingly, the new restriction requirement is set forth herein below.
- 2. This application contains claims directed to the following patentably distinct species of the claimed invention:
- **Species I:** First embodiment drawn to method for depositing silicon containing amorphous film.
- **Species II:** Second embodiment drawn to method for depositing <u>silicon containing</u> <u>epitaxial film.</u>
- **Species III:** Third embodiment drawn to method for depositing <u>silicon containing</u> <u>polycrystalline film.</u>
- **Species IV:** Fourth embodiment drawn to method for depositing <u>silicon containing</u> <u>silicon nitride film.</u>
- 3. Applicants are required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, Claim 1 is generic.

Applicants are advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable Art Unit: 2823

thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicants traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 4. Applicants are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 5. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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## Correspondence

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brook Kebede whose telephone number is (571) 272-1862. The examiner can normally be reached on 8-5 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on (571) 272-1855. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BK

June 9, 2004

George Fourson
Primary Examiner